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20350 7590 08/18/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
REFAI, RAMSEY				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,294

Applicant(s)

TIDWELL ET AL.

Examiner

Ramsey Refai

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed May 8, 2008. Claim 22 has been amended. Claims 1-24 remain presented for examination.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues with substance:

Argument. *Brodie does not describe all of the limitations of the claims; more specifically, "request location information about an employer who has issued a payroll check" and "obtain from the keypad the employer location information and to transmit the employer location information to a remote location".*

In response, the Examiner asserts that the 103 rejection in view of Brodie meets the claimed limitations. Brodie et al teach the computer processor configured to request *check data* presented in association with a check-cashing transaction the computer processor further configured to obtain *the check data* from the keypad the *check data* (**column 2, lines 8-20**) and to transmit *the check data* to a remote location via the communications interface (**column 6, lines 35-64, column 2, lines 23-60**). Although Brodie et al teach determining the check type (**column 10, line 57**) which is evidence that multiple check types can be cashed in Brodie et al's system, Brodie fails to explicitly teach that the check is a *payroll* check and that the check data is *location information about an employer who has issued a payroll check*. However, the use of payroll checks is notoriously well known in the art as well as the cashing of payroll checks. It is further well known that issuer information such as address information is printed on checks. Therefore, it would have been obvious to one of ordinary skill in the art to modify Brodie et al's

Art Unit: 3627

system to include this feature because doing so would allow for Brodie et al's system to cash payroll checks by verifying that the issuer of the check (employer) is a local company.

Additionally, it is noted that **KSR** forecloses the argument that a **specific** teaching, suggestion, or motivation is required to support a finding of obviousness. Under **KSR**, a claim would have been obvious if the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than **predictable results** to one of ordinary skill in the art at the time of the invention. Furthermore, under **KSR**, a claim would have been obvious if a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodie et al (US Patent No. 7,257,246).

4. As per claim 1, Brodie et al teach a point-of-sale device comprising:

a display; a keypad; a communications interface and a computer processor in communication with the display, the keypad and the communications interface (column 3, lines

Art Unit: 3627

35-47) the computer processor configured to request *check data* presented in association with a check-cashing transaction the computer processor further configured to obtain *the check data* from the keypad the *check data* (**column 2, lines 8-20**) and to transmit *the check data* to a remote location via the communications interface the computer processor further configured to receive via the communications interface from a check authorization system an indication of a level of risk associated with cashing the check (**column 6, lines 35-64, column 2, lines 23-60**), the computer processor further configured to display on the display a message based at least in part on the indication (**column 13, line 60-column 14, line 15**).

Although Brodie et al teach determining the check type (**column 10, line 57**) which is evidence that multiple check types can be cashed in Brodie et al's system, they fail to teach that the check is a *payroll check* and that the *location information about an employer who has issued a payroll check is obtained and used for risk assessment*. However, it would have been obvious to one of ordinary skill in the art to modify Brodie et al's system to include this feature because doing so would allow for Brodie et al's system to cash payroll checks by verifying that the issuer of the check (employer) is a local company.

5. As per claim 2, Brodie et al teach wherein the display is further configured to display a prompt to an operator of the point-of-sale device requesting the *check data* (**column 2, lines 8-15, column 4, lines 29-44, column 6, lines 15-23**).
6. As per claim 3, Brodie et al teach wherein the display is configured to display the prompt in response to a message received from the check authorization system via the communications interface (**column 13, line 60-column 14, line 15**).

Art Unit: 3627

7. As per claim 4, Brodie et al teach a point-of-sale device comprising:
- a communications interface; an input system and a computer processor in communication with the communications interface and the input system (**column 3, lines 35-47**), the computer processor configured to obtain from the input system *check data* associated with a check presented for processing (**column 2, lines 8-20**) and to transmit to a remote location via the communications interface information about the *check data*, the computer processor further configured to receive via the communications interface from a check authorization system an indication of a level of risk associated with processing the check (**column 6, lines 35-64, column 2, lines 23-60**).

Brodie et al fail to teach that *location related data about a check issuer is obtained and used for risk assessment*. However, it would have been obvious to one of ordinary skill in the art to modify Brodie et al's system to include this feature because doing so would allow for Brodie et al's system to authenticate the check by verifying that the check issuer is a local company.

8. As per claim 5, Brodie et al teach wherein the input system comprises at least one of: a keypad, a voice recognition system, a touchscreen, an optical character reader, a scanner, a smartcard reader, and a stylus (**column 3, lines 45-47**).

9. As per claim 6, Brodie et al fail to teach wherein the information about the check issuer is a *company name associated with the check issuer*. However, it would have been obvious to one of ordinary skill in the art to modify Brodie et al's system to include this feature because doing so would allow for Brodie et al's system to authenticate the check by verifying that the check issuer is a local company.

Art Unit: 3627

10. As per claim 7, Brodie et al fail to teach wherein the information about the check issuer that the computer processor is configured to transmit comprises information about a company location associated with the check issuer. However, it would have been obvious to one of ordinary skill in the art to modify Brodie et al's system to include this feature because doing so would allow for Brodie et al's system to authenticate the check by verifying that the check issuer is a local company.

11. As per claim 8, Brodie et al teach further comprising a display, wherein the computer processor is in communication with the display and is configured to display on the display a message based at least in part on the indication (**column 13, line 60-column 14, line 15**).

12. As per claim 9, Brodie et al teach wherein processing the check comprises cashing the check (**abstract; check cashing**).

13. As per claim 11, Brodie et al teach wherein obtaining location-related data about the check issuer comprises reading a magnetic ink character recognition (MICR) line from the check (**column 6, lines 30-34**).

14. As per claim 12, Brodie et al teach wherein obtaining location-related data about the check issuer comprises scanning an image of at least a portion of a check associated with the check transaction (**column 6, lines 18-30**).

15. As per claim 13, Brodie et al teach using optical character recognition (OCR) technology to obtain information about the check issuer from the scanned image (**column 6, lines 18-30**).

16. As per claim 14, Brodie et al teach wherein obtaining location-related data about the check issuer comprises requesting the location-related data from a presenter of a check associated with the check transaction (**column 2, lines 8–15**).

17. As per claim 16, Brodie et al teach wherein the financial transaction comprises cashing a negotiable instrument (**column 1, lines 20-30**).

18. As per claim 17, Brodie et al teach wherein the negotiable instrument is a money order, a traveler's check, a personal check, a corporate check, company insurance refund check, a government check, such as a tax refund check, Social Security check, payroll check, or other government-issued check, a bank check, official check, or a convenience check (**column 1, lines 20-40**).

19. As per claim 18, Brodie et al teach a display, wherein the computer processor is in communication with the display and wherein the computer processor is further configured to display on the display a message based at least in part on the indication (**column 13, line 60-column 14, line 15**).

20. As per claim 10, 15, and 19-24, these claims contain similar limitations as the claims above, therefore are rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
August 5, 2008
/R. R. /
Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627